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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,935	04/27/2005	George A. Leenknecht	NL 021113	3118

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BRIARCLIFF MANOR, NY 10510

EXAMINER

AGUSTIN, PETER VINCENT

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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04/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,935	Applicant(s) LEENKNEGT ET AL.	
	Examiner Peter Agustin	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. This application is a 371 of PCT/IB03/04532, filed October 10, 2003.
2. Claims 1-6 are currently pending.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

4. The specification is replete with spelling and/or grammatical errors, e.g.,
Page 1, line 14: "iconsiderable" should be --inconsiderable--.

The specification has not been checked to the extent necessary to determine the presence of all possible errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

5. Claims 1, 2, 4 & 5 are objected to because of the following informalities:

Claim 1, line 3: "a laser beam" should be --the laser beam--.

Claim 2, line 1: "radial" should be --a radial--.

Claim 4, line 3: "said tracks" should be --tracks of the data carrier--.

Claim 5, line 2: "the radial" should be --a radial--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2627

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakashita (US 5,995,463).

In regard to claim 1, Sakashita discloses an apparatus (Figure 3) for processing data placed on tracks on a data carrier (2) which may have defects (column 1, line 61: “scratch such as a defect”), the apparatus using a laser beam (column 1, line 25: “optical beam”), the apparatus comprising: a servomechanism (inherent “actuators” that move the optical head 4 in tracking and focusing directions) for guiding a laser beam on said tracks by acting on a moving part (4) that controls the laser beam, a controller device (9, 12, and the inherent controller that controls the focusing actuator) for controlling said moving part, an emulator (13) which has an electrical behavior similar to said moving part (column 2, lines 5-8: “a reference voltage from the reference signal generation circuit 13 is input to the coarse movement motor driver 12 in place of a coarse control signal from the coarse movement supply servo equalizer”), a defect detector (6) for providing a defect signal (“scratch detection signal”) for the defects on said carrier, a switch (11) controlled by said defect signal for applying the output of the emulator (13) to the input of the controller device (12).

In regard to claim 2, Sakashita discloses that the servomechanism acts on radial direction (as noted above, the claimed “servomechanism” is read as the inherent “actuators” that move the optical head 4 in tracking and focusing directions).

In regard to claim 3, Sakashita discloses that the servomechanism acts on focusing the laser beam (as noted above, the claimed “servomechanism” is read as the inherent “actuators” that move the optical head 4 in tracking and focusing directions).

Claims 4-6 have similar limitations as claims 1-3; thus, they are rejected on the same grounds.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shidara (US 6,922,381) discloses an optical disk apparatus capable of suppressing displacement of a servo system from a track even when a track defect is caused on an optical disk and achieving appropriate data recording and reproduction. In the case where any track defect is detected on an optical disk, a pulse width modulation signal, rather than a tracking servo signal created based on a tracking error signal, is used as a servo signal to drive an optical pick-up. The pulse width modulation signal is modulated such that its DC level becomes identical to a DC level of a tracking servo signal obtained immediately before detection of the track defect.

Sakamoto et al. (US 6,510,112) disclose a tracking control device that generates a pulse signal having a polarity opposite to a disturbance part of a driving signal generated due to at least one of subsidiary beams passing on a damaged part, and uses this pulse signal as a part of the driving signal.

Nishigaki (US 6,920,093) discloses an invention that reduces the time required for a servo to return to the normal control state after the level of a defect signal returns to “low”.

King et al. (US 7,336,569) disclose a memory circuit and a timing counter circuit for processing and storing a tracking and focusing profile and a modulation circuit for emulating a tracking and focusing profile for a selected segment of a data track wherein said timing counter circuit and said modulation circuit are controlled to continue a tracking and focusing function when an optical pickup head scans over an empty area due to a large defect or discontinuous track without a feedback signal.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Agustin whose telephone number is 571-272-7567. The examiner can normally be reached on Monday-Thursday 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter Vincent Agustin/
Patent Examiner
Art Unit 2627